

FAS

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 MAY -5 AM 11:58

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jesus Manuel LUCIA-Escamilla,

Defendant

Magistrate Docket No.

'08 MJ 1419

COMPLAINT FOR VIOLATION OF DEPUTY


Title 8, U.S.C., Section 1326

Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

On or about **May 4, 2008** within the Southern District of California, defendant, **Jesus Manuel LUCIA-Escamilla**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

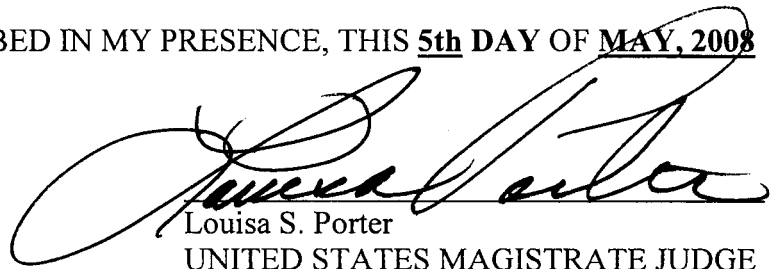


SIGNATURE OF COMPLAINANT

Terri Dimolios

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **5th** DAY OF **MAY, 2008**



Louisa S. Porter

UNITED STATES MAGISTRATE JUDGE

FAS

**CONTINUATION OF COMPLAINT:****Jesus Manuel LUCIA-Escamilla****PROBABLE CAUSE STATEMENT**

On May 4, 2008 at approximately 5:45 a.m., Senior Patrol Agent A. Pena was performing uniformed line watch duties in the Chula Vista Border Patrol Station area of responsibility in an area known as "The Alta Grove." This area is located approximately two miles east of the Otay Mesa, California Port of Entry and located approximately one mile north of the United States/Mexico International Boundary.

Agent Pena was patrolling the area when he saw two individuals running northbound. Agent Pena pursued the individuals until he came up behind them. Once the two individuals saw Agent Pena, they laid down on the ground as he approached. Agent Pena approached the two subjects, identified himself as a United States Border Patrol Agent and questioned each individual as to their citizenship and nationality. The two individuals, including one later identified as defendant Jesus Manuel LUCIA-Escamilla, both answered "Mexico". Agent Pena then asked the two individuals if they had any immigration documents allowing them to be or remain in the United States legally. The two individuals answered "No". At approximately 5:50 a.m., the defendant and the other individual were arrested and transported to the Chula Vista Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 23, 2007** through **Del Rio, Texas**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.